guide data according to user defined preferences using a client-server approach. Users are provided with an "opportunity to define user preferences" using an "interactive television program guide client implemented on user television equipment." For example, in some embodiments a user may define "user preferences" for genres, channels, actors and actresses, ratings, and other types of preference attributes (page 33, lines 9-13). Independent claims 1, 20, and 39 have been amended in order to state that "individualized program guide data" is provided to the program guide client from the program guide server "according to the user preferences."

Herz discloses one-way and two-way transmission systems. The one-way transmission system clearly is not client-server based because there is no link by which a client can request data. The two-way system is also not client-server based. Although a return path exists, the path is used for providing customer profile information back to the head end, and not for providing a client-server communications path (i.e., the return path is not used by a guide client to request program guide data). Col. 42, lines 39-50. The head end in the two-way system of Herz is used to update the customer

profiles and modify the scheduling of video programming to *all of the customers serviced by that head end*. Herz, col. 47, lines 37-51; see also col. 42, lines 4-13. Herz further indicates that this technique allows "the video head end operator to objectively determine which programming is most likely to be desired by his or her customers." Herz, col. 42, lines 9-13. Thus, the system of Herz provides the same video programming information to *all customers*, and does not provide "*individualized* program guide data" to a program guide client "according to the user preferences."

Claims 1, 20, and 39 are therefore patentable over Herz. Claims 2-5, 21-24, and 40-43 depend from claims 1, 20, and 39 respectively, and are patentable because claims 1, 20, and 39 are patentable.[1]

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[1] Claims 2-5, 21-24, and 40-43, which depend from claims 1, 20, and 39, respectively, include additional features that also make these claims patentable. Applicant reserves the right to argue the patentability of these claims separately should prosecution continue.

Claims 14-19, 33-38, and 52-56

The Office Action rejected claims 14-19, 33-38, and 52-56 under 35 U.S.C. § 103(a) as being unpatentable over Herz. The objection and rejections are respectfully traversed.

Independent claims 14, 33, and 52 are directed towards a "client-server" based program guide system for tracking a user's viewing history. In applicants' approach, a "client-server" interactive television program guide system "track[s] a user's viewing history" and "store[s] the viewing history on a program guide server." As amended, claims 14, 17, 33, 36, and 52 state that the program guide server finds programs that are "consistent with the *individual user's* viewing history." The programs found by the program guide server "that the user has not watched" are indicated on the user's television equipment by a "program guide client."

Applicants respectfully submit that the § 103 rejections fail because a *prima facie* case for obviousness has not been met. To establish a *prima facie* case for obviousness, "the prior reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143. Herz does

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not disclose or suggest all of the features of applicants' claims 14-19, 33-38 and 52-56.

As stated above in connection with claims 1-5, 20-24 and 39-43, Herz is used to update the customer profiles and modify the scheduling of video programming to *all of the customers serviced by that head end*. Applicants respectfully submit that Herz does not show or suggest a client-server interactive television program guide system where a program guide server finds programs that are consistent with the *individual user's* viewing history and that the user has not watched.

Claims 14, 33, and 52 are therefore patentable over Herz. Claims 15-19, 34-38, and 53-56 depend from claim 14, 33, and 52 and are therefore patentable because claims 14, 33, and 52 are patentable.[2]
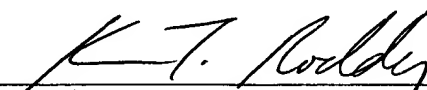
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[2] Claims 15-19, 34-38, and 53-56, which depend from claims 14, 33, and 52, respectively, include additional features that also make these claims patentable. Applicant reserves the right to argue the patentability of these claims separately should prosecution continue.

Conclusion

The foregoing demonstrates that claims 1-5, 14-24, 33-43, and 52-56 are allowable. Therefore, this application is in condition for allowance. Reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,

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APPENDIX TO PRELIMINARY AMENDMENT

This appendix presents the amendments that have been made in bracket-and-underline format.

Claims 1, 14, 17, 20, 33, 36, 39, and 52 have been amended as follows:

1.   (Amended) A method for use in a client-server interactive television program guide system comprising:

providing a user with an opportunity to define user preferences using an interactive television program guide client that is implemented on user television equipment, without requiring the user to navigate the Internet;

providing the user preferences to a program guide server; and

providing individualized program guide data from the program guide server to the program guide client according to the user preferences.

14. (Amended) A method for use in a client-server interactive television program guide system for tracking a user's viewing history, comprising:

tracking a user's viewing history;

storing the user's viewing history on a program guide server;

finding programs with the program guide server that are consistent with the user's viewing history; and

indicating on user television equipment the programs found by the program guide server that are consistent with the individual user's viewing history and that the user has not watched, with an interactive television program guide client implemented on the user television equipment.

17. (Amended) The method defined in claim 14 further comprising:

providing a user with an opportunity to define a user preference profile with the interactive television program guide client implemented on user television equipment;

storing the user preference profile on a program guide server; and

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finding programs with the program guide server
that are consistent with the user preference profile, wherein:

indicating on user television equipment the
programs found by the program guide server that are consistent
with the individual user's viewing history and that the user
has not watched comprises indicating on user television
equipment the programs found by the program guide server that
are consistent with the user's viewing history and the user
preference profile and that the user has not watched.

20.   (Amended) A client-server interactive television
program guide system comprising:

means for providing a user with an opportunity
to define user preferences using an interactive television
program guide client that is implemented on user television
equipment, without requiring the user to navigate the Internet;

means for providing the user preferences to a
program guide server; and

means for providing individualized program guide
data from the program guide server to the program guide client
according to the user preferences.

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33.   (Amended) A client-server interactive television program guide system for tracking a user's viewing history, comprising:

means for tracking a user's viewing history with a program guide server;

means for indicating on user television equipment programs that are consistent with the individual user's viewing history and that the user has not watched, with an interactive television program guide client implemented on the user television equipment.

36.   (Amended) The system defined in claim 33 further comprising:

means for providing a user with an opportunity to define a user preference profile with the interactive television program guide client implemented on user television equipment; and

means for finding programs with the program guide server that are consistent with the user preference profile, wherein:

the means for indicating on user television equipment the programs found by the program guide server that

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are consistent with the <u>individual</u> user's viewing history and that the user has not watched comprises means for indicating on user television equipment the programs found by the program guide server that are consistent with the user's viewing history and the user preference profile and that the user has not watched.

39.   (Amended) A client-server interactive television program guide system comprising:

a program guide server;

user television equipment on which an interactive television program guide client is implemented, wherein the interactive television program guide client is programmed to provide a user with an opportunity to define user preferences without requiring the user to navigate the Internet; and

a communications path over which the user preferences are provided by the interactive television program guide client to the program guide server<u>, and the program guide server provides individualized program guide data to the program guide client based on the user preferences</u>.

52. (Amended) A client-server interactive television program guide system for tracking a user's viewing history, comprising:

user television equipment on which an interactive television program guide client is implemented, wherein the interactive television program guide client is programmed to provide an individual user's viewing history information to a program guide server over a communications path, wherein:

the program guide server is programmed to find programs based on the individual user's viewing history information and to indicate the programs to the interactive television program guide client over the communications path; and

the interactive television program guide client is further programmed to indicate on the user television equipment a subset of the programs wherein the subset of the programs are programs that the user has not watched.